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## MONTANA THIRTEENTH JUDICIAL DISTRICT COURT, YELLOWSTONE COUNTY

STATE OF MONTANA

CAUSE NO. DC 01-0090

Plaintiff,

vs.

Judge Diane G. Barz

BERNICE CORCORAN,

Defendant.

ORDER DEFERRING IMPOSITION OF SENTENCE

WHEREAS the defendant heretofore entered her plea of guilty to the crime of THEFT (FELONY) (COMMON SCHEME) as charged in the Information on file in said case, and this being the date set for pronouncement of judgment, and the defendant having made application to the Court to be admitted to probation.

NOW, THEREFORE, IT IS ORDERED that the imposition of sentence upon said defendant be deferred for a period of TWO (2) YEARS; and said defendant is hereby placed on probation for said period, and the Court retains jurisdiction of said defendant in the above-entitled cause and does hereby direct that said defendant be and appear before this Court on the 20th day of June, 2003, at 10:15 o'clock A.M., and that the imposition of sentence herein be stayed until that date.

IT IS FURTHER ORDERED that until the said 20th day of June, 2003, the defendant is admitted to probation upon the following terms and conditions:

1. The defendant shall not frequent any place where intoxicating liquor or beer is the chief item of sale nor shall she use intoxicants or beer; nor shall she purchase, use, possess, give, sell or administer any narcotic or dangerous drugs or have in her possession same without proper prescription by a doctor.

2. The defendant shall not enter into any game of chance nor shall she frequent any place where gambling may be taking place.

3. The defendant shall conduct herself in a law abiding manner and shall not violate any law of the United States or of the State of Montana or any other State, or the ordinance of any city or town of this State or any other State during said term.

4. The defendant shall maintain as steady employment as possible during said term and shall, to the best of her ability, fully and completely contribute to the support of her family.

5. The defendant is placed under the supervision and control of Adult Probation and Parole Field Services, and is to abide by their rules and regulations.

6. The defendant shall be responsible to make RESTITUTION in the amount of ONE THOUSAND EIGHTY-THREE DOLLARS AND 38/100 (\$1,083.38) which shall be paid to the victim(s) as outlined below, or if the victim is reimbursed by the Crime Victim's Fund, that the Crime Victim's Fund be subrogated as to the amount it has actually paid. Sufficient proof of such payment must be sent to the Clerk of Court before such payment is allowed. Said RESTITUTION shall be made payable in monthly payments on a schedule to be supervised and regulated by the Adult Probation and Parole Field Services and to be made payable to the Clerk of Court, P.O. Box 36030 (Room 704, Courthouse), Billings, Montana, 59107, and the said Clerk of Court is hereby ordered to distribute the money collected to:

State Auditor's Office  
c/o P.O. Box 4009  
Helena, MT 59604-4009

7. The defendant shall submit to chemical substance tests (urinalysis/blood/breath analysis) whenever requested to do so by her Probation Officer for the purpose of aiding the defendant in her termination of the use of dangerous drugs and/or alcohol.

8. The defendant shall not own, possess, or be in control of any firearms or deadly weapons, including black powder, as defined by State or Federal Law.

9. The defendant is hereby required to submit to reasonable searches of her person, vehicle, or premises whenever requested to do so by her Probation Officer or by a law enforcement officer. The purpose of these searches is to help the defendant in her rehabilitation.

10. The defendant shall participate in medical/mental/vocational/educational/financial counseling, treatment, therapy, training, or aftercare programs as directed by her Supervising Officer

1 and shall not terminate such programs without prior approval from her  
2 Supervising Officer.

3 11. The defendant shall secure and maintain full-time, legitimate  
4 employment and defendant shall participate in any educational or  
5 vocational training programs as directed by her Supervising Officer  
6 and shall not terminate such programs without prior approval from her  
7 Supervising Officer.

8 12. The defendant shall enter and complete a Cognitive Principles  
9 and Restructuring (CPR), Moral Recognative Therapy (MRT) class or  
10 criminal thinking errors program/counseling, treatment, therapy,  
11 training or aftercare programs as directed by her Supervising Officer  
12 to assist defendant in dealing with her denial regarding her criminal  
13 thinking/behaviors and shall not terminate such programs without prior  
14 approval from her Supervising Officer.

15 13. The defendant shall not socialize and/or associate with any  
16 known convicted felons, adjudicated juveniles, known illicit drug  
17 users, drug dealers and/or any group/crowd associated with members of  
18 street gangs or other such activity.

19 14. The defendant shall have no contact with the victim(s) and/or  
20 the family of this criminal cause in any manner: in person, by  
21 telephone, personal and/or third party, computer generated or in  
22 writing.

23 15. The defendant shall participate in and successfully complete  
24 an approved parenting class through the Department of Family Services  
25 or other agency pre-approved by her Supervising Officer and shall not  
26 terminate such programs without prior approval from her Supervising  
27 Officer.

28 16. The defendant shall disclose/inform all current and future  
29 employers of this criminal offense/conviction involving the theft from  
30 an employer pursuant to § 46-23-1004(9), MCA.

31 17. Pursuant to § 46-23-1012, MCA, in addition to any jail time  
32 otherwise imposed herein, defendant is hereby noticed that a term of  
33 up to thirty (30) days in the county jail can be ordered by the DOC  
34 Hearings Officer for any misconduct or violations of probation which  
35 do not warrant a request for revocation of probation. Defendant can  
36 be ordered to pay for the cost of the incarceration.

37 18. The defendant shall pay a supervision fee to the Clerk of  
38 District Court pursuant to § 46-23-1031, MCA.

39 IT IS FURTHER ORDERED that the defendant shall pay to the Clerk of  
40 District Court the sum of TWENTY DOLLARS (\$20.00) for this conviction  
41 pursuant to § 46-18-236 and 46-18-251, Montana Codes Annotated; plus  
42 the sum of FIVE DOLLARS (\$5.00) for Court Automation Surcharge; plus



1 the sum of TEN DOLLARS (\$10.00) for local victim and witness advocate  
2 programs. The Clerk of District Court is hereby ordered to deliver  
3 the said sum of THIRTY-FIVE DOLLARS (\$35.00) to the Treasurer of this  
4 County.

5 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that if the defendant  
6 fails to comply with any of the above-conditions, a bench warrant of  
7 arrest will be issued, the defendant apprehended, and the said  
8 defendant will be required to appear before this Court for further  
9 proceedings.

10 Sentencing was deferred for the following reasons:

11 1. The Court considered the contents of the presentence report,  
12 the corrections/modifications at the sentencing hearing made thereto  
13 and the author's recommendations contained therein.

14 2. The Court considered the statutory criteria for sentencing;  
15 the age of defendant; notes this is a non-violent offense; employed;  
16 the peculiar circumstances/facts of the offense as presented by  
17 defense; defendant's criminal history/record noting no prior felony  
18 convictions; and the recommendations/arguments of counsel.

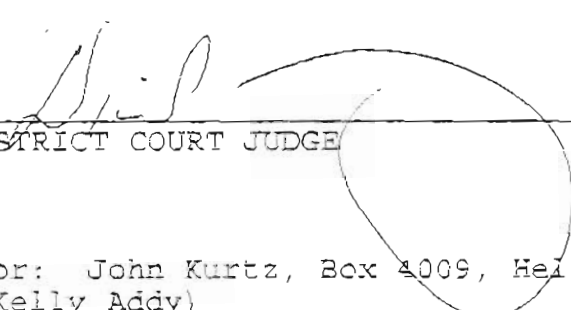
19 3. The Court for the above-stated reasons shall follow the  
20 binding plea agreement between counsel affording the defendant the  
21 opportunity of a deferred imposition of sentence viewing this type of  
22 commitment carries a heavier burden on defendant to demonstrate to the  
23 Court that defendant can successfully follow the above-listed  
24 conditions/rules; thereby earning no felony convictions on her record.

25 The Bond, if any, is hereby exonerated.

If the written judgment differs from the sentence the Judge  
pronounced orally, the State or the offender has only One Hundred  
Twenty (120) Days to contest the written judgment. After One Hundred  
Twenty (120) Days, the written judgment is presumed correct.

DONE IN Open Court: the 20th day of June, 2001.

SIGNED this 29 day of June, 2001.

  
DISTRICT COURT JUDGE

CC: YCAO

Special Prosecutor: John Kurtz, Box 4009, Helena, MT 59604  
DEFENSE COUNSEL (Kelly Addy)  
YCSO  
Adult Probation & Parole